

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**JOHN THOMAS BIASO,**

**Plaintiff,**

**VS.**

**ROBIN BAKER,**

**Defendant.**

**Case No. 5:08-CV-0094-CLS-RRA**

## MEMORANDUM OF OPINION


The magistrate judge filed a report and recommendation on March 31, 2010, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on April 16, 2010.

The plaintiff objects to the finding of the magistrate judge that the mail from the ACLU that was confiscated by Mail Room Clerk Robin Baker was not marked “legal mail.” The plaintiff attached a copy of a letter he received from the ACLU as evidence that their letters to him were clearly marked “Legal Mail.” However, the plaintiff attaches a copy of an envelope which is dated January 4, 2010, not October 30, 2007, which is the date of the letter he claims was unconstitutionally confiscated.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is

entitled to judgment as a matter of law. Accordingly, the defendant's motion for summary judgment is due to be GRANTED, and this action is due to be DISMISSED with prejudice. A Final Judgment will be entered.

DONE this 27th day of April, 2010.

  
United States District Judge